

**Assembly Bill No. 2647**

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Passed the Assembly    August 18, 1998

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*Chief Clerk of the Assembly*

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Passed the Senate    August 6, 1998

\_\_\_\_\_  
*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_ day  
of \_\_\_\_\_, 1998, at \_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

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## CHAPTER \_\_\_\_

An act to amend Section 44842 of the Education Code, relating to school employees.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2647, Pacheco. School district employees: notice of intent to remain in service.

Existing law deems a probationary or permanent employee of a school district to have declined employment and permits his or her services to be terminated on June 30 of any year in which the employee fails, without good cause, to notify the governing board of the district prior to July 1 of his or her intention to remain or not to remain in the service of the district, if the district requested that notice, as prescribed, by May 30 of that year.

This bill would, for employees of a year-round school in positions requiring certification qualifications, permit termination if the employee does not notify the district prior to June 1 if the district requested this notice by April 30 of that year.

*The people of the State of California do enact as follows:*

SECTION 1. Section 44842 of the Education Code is amended to read:

44842. (a) Except as set forth in subdivision (b), if, without good cause, a probationary or permanent employee of a school district fails prior to July 1 of any school year to notify the governing board of the district of his or her intention to remain or not to remain in the service of the district, as the case may be, during the ensuing school year if a request to give such notice, including a copy of this section, shall have been personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known place of address, by the clerk or secretary of the governing board of the school



district, not later than the preceding May 30, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on June 30 of that year.

(b) (1) In the case of an employee of a year-round school serving in a track that starts within 14 days of July 1, and serves in a position requiring certification qualifications, if the school district has, by April 30, requested that the employee notify the school district by June 1, of that year of his or her intention to remain or not to remain in the service of the school district for the following school year, and the employee, without good cause, fails to provide that notice, the school district may deem the employee to have declined employment and may terminate his or her services as an employee of the school district on June 30 of that year. An employee who gives notice of resignation pursuant to this paragraph after May 31, but before June 30, shall be released from his or her contract within 30 days of the employee's notice, or as soon as a replacement employee is obtained, whichever occurs first.

(2) The request for notice sent to the employee by the school district pursuant to this subdivision shall be in writing and shall, along with a copy of this section, be either personally served upon the employee, or mailed to him or her by United States certified mail with return receipt requested to his or her last known address, by the clerk or secretary of the governing board of the school district.

(c) If, without good cause, a probationary or permanent employee of a school district fails to report for duty at the beginning of the ensuing school year after having notified the governing board of the district of his or her intention to remain in the service of the district in accordance with the procedures specified above, the employee may be deemed to have declined employment and his or her services as an employee of the district may be terminated on the day following the 20th consecutive day of absence. No school district may terminate any employee pursuant to this subdivision unless the district



has specifically notified the employee, at least five days in advance, of the time and place at which the employee was to report to work, and the employee did not request or was not granted a leave of absence authorized by the governing board of the district.

This subdivision is applicable only to employees who were on leave of absence for 20 or more consecutive working days after April 30 of the previous school year.



Approved \_\_\_\_\_, 1998

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*Governor*

